

TWENTY-FIFTH DAY
(Tuesday, March 5, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend T. James Bethell, St. David's Episcopal Church, Austin, offered the invocation as follows:

O God, send Your spirit to bless and guide these Senators now assembled. Give them courage, wisdom, and foresight in providing good legislation for all the people of this great State. Give grace to Ann our Governor, to Bob our Lieutenant Governor, and to those who have administrative duties in governing this State. Grant these Senators integrity as they make decisions today, that they may serve all the peoples of Texas by promoting justice, dignity and freedom for all. We ask this through Jesus Christ our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 16

On motion of Senator Bivins and by unanimous consent, Senator Lyon will be shown as Co-author of S.B. 16.

CO-AUTHOR OF SENATE BILL 21

On motion of Senator Brown and by unanimous consent, Senator Krier will be shown as Co-author of S.B. 21.

CO-AUTHORS OF SENATE BILL 224

On motion of Senator Truan and by unanimous consent, Senators Lucio and Brooks will be shown as Co-authors of S.B. 224.

CO-AUTHORS OF SENATE BILL 385

On motion of Senator Truan and by unanimous consent, Senators Brooks, Lucio and Armbrister will be shown as Co-authors of S.B. 385.

REPORT OF STANDING COMMITTEE

Senator Green submitted the following report for the Committee on Jurisprudence:

S.B. 264
S.B. 369
S.B. 316
C.S.S.B. 334
C.S.S.B. 186

MESSAGE FROM THE HOUSE

House Chamber
March 5, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on S.B. 351. The following having been appointed on the part of the House: Glossbrenner, Chair; Delco, Grusendorf, Luna and Fraser.

H.C.R. 105, Honoring Lubbock County on the occasion of its 100th birthday.

S.C.R. 54, Congratulating the citizens of Sterling County, Texas, on the 100th anniversary of its founding.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 51

H.C.R. 87

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 435, To Committee on State Affairs.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 57 by Lyon Administration
Granting Mary Esther Messick permission to sue the State of Texas and the Texas Department of Human Services.

S.R. 276 by Krier Finance
Creating a joint interim committee to study state agency allocation of funding and services as based on formulas and other criteria.

S.B. 48 by Krier Finance
Relating to exemption from property taxes for religious organizations.

S.B. 655 by Krier Jurisprudence
Relating to the State Commission on Judicial Conduct imposing sanctions on certain visiting judges.

S.B. 656 by Krier Economic Development
Relating to alcoholic beverage seller training programs conducted by certain hotel management companies or hotel operating companies.

- S.B. 657** by Krier Education
Relating to a compensatory education allotment for a student who is a parent.
- S.B. 658** by Turner Finance
Relating to an increase of student center complex fees at institutions within The Texas A&M University System.
- S.B. 659** by Turner Finance
Relating to authorizing an increase in the student recreational sports fee at institutions within The Texas A&M University System.
- S.B. 660** by Turner Education
Relating to authorization for the Board of Regents of The Texas A&M University System to grant a lease of surface area of the original main campus of Texas A&M University to the Texas A&M University Development Foundation.
- S.B. 661** by Turner Economic Development
Subcommittee on Insurance
Relating to the coverage of certain dependent children under accident and sickness insurance policies.
- S.B. 662** by Ellis State Affairs
Relating to discrimination in employment based on perceived disabilities.
- S.B. 663** by Johnson Intergovernmental Relations
Relating to the authority of a political subdivision to acquire and convey land for the development of low-income or moderate-income housing.
- S.B. 664** by Green Economic Development
Subcommittee on Insurance
Relating to replacement cost insurance policies.
- S.B. 665** by Barrientos State Affairs
Relating to credit in, and benefits and administration of, the Employees Retirement System of Texas.
- S.B. 666** by Krier Finance
Relating to creditable service in the Teacher Retirement System of Texas.
- S.B. 667** by Dickson Education
Relating to the transfer of certain property to Central Texas University.
- S.B. 668** by Dickson Finance
Relating to certain funding for public junior colleges.
- S.B. 669** by Dickson Education
Relating to the exemption of certain students from certain academic skills testing and remedial coursework requirements.
- S.B. 670** by Barrientos Finance
Relating to exemptions from ad valorem taxations for television and radio stations that produce or broadcast public interest programming.
- S.B. 671** by Barrientos Criminal Justice
Relating to the offense of criminal trespass on the premises of a health care facility.
- S.B. 672** by Barrientos State Affairs
Relating to the compensation of certain persons under the Crime Victims Compensation Act for psychological or psychiatric counselling made necessary because of another's criminally injurious conduct.

- S.B. 673** by Barrientos Education
Relating to required multicultural course credit at general academic teaching institutions.
- S.B. 674** by Krier Economic Development
Relating to prohibiting a member of a Private Industry Council from receiving funds allocated or disbursed by the council; providing a penalty.
- S.B. 675** by Parker Education
Relating to establishing a minority doctoral incentive program.
- S.B. 676** by Parker Education
Relating to providing incentive funding to public junior colleges that graduate certain students.
- S.B. 677** by Parker Finance
Relating to credit in the Teacher Retirement System of Texas for accumulated sick leave.
- S.B. 678** by Parker Education
Relating to compulsory attendance at public school tutorial classes.
- S.B. 679** by Harris of Dallas State Affairs
Relating to the authorization of investments in certain development corporation securities and development bank securities by certain private and governmental investors and certain public retirement systems.
- S.B. 680** by Barrientos State Affairs
Relating to the administration of certain self-funded group insurance programs developed by the Employees Retirement System of Texas or public institutions of higher education.
- S.B. 681** by Barrientos Finance
Relating to the administration of, benefits payable by, and credit established in the Teacher Retirement System of Texas.
- S.B. 682** by Barrientos Finance
Relating to employee options regarding the group insurance programs for state and university employees.
- S.B. 683** by Turner Intergovernmental Relations
Relating to the issuance of bonds by the Burleson County Hospital District.
- S.B. 684** by Turner Jurisprudence
Relating to Houston County Court at Law provisions.
- S.B. 685** by Harris of Tarrant, Brooks, Natural Resources
Glasgow, Green, Truan
Relating to the regulation of air quality; providing penalties.
- S.B. 686** by Harris of Tarrant Economic Development
Relating to the creation of the Texas Commission on the Arts, Film, and Music.
- S.B. 687** by Harris of Tarrant Jurisprudence
Relating to the modification of an order providing for the conservatorship of a child.
- S.B. 688** by Harris of Tarrant Finance
Relating to the election of the board of directors of an appraisal district.
- S.B. 689** by Bivins State Affairs
Relating to the administration, collection, and enforcement of the taxes on cigarettes and other tobacco products; making an appropriation; providing penalties.

- S.B. 690** by Green Economic Development
Relating to the regulation of residential telephone solicitation; providing a penalty.
- S.B. 691** by Dickson Economic Development
Relating to insurance coverage required to be provided by motor carriers for employees so as to enable motor carriers to provide accidental disability, medical and death coverages as alternatives to workers compensation insurance.
- S.B. 692** by Haley Education
Relating to the Texas Guaranteed Student Loan Corporation.
- S.B. 693** by Carriker Health and Human Services
Relating to the procurement of professional services by the Texas Department of Health.
- S.B. 694** by Carriker Economic Development
Relating to the regulation of certain persons in the business of cashing checks; providing penalties.
- S.B. 695** by Carriker Economic Development
Subcommittee on Insurance
Relating to the sale of medicare supplement insurance policies by certain insurance agents and to education requirements concerning those policies; providing a penalty.
- S.B. 696** by Carriker Health and Human Services
Relating to the licensing of hospitals in rural communities.
- S.B. 697** by Truan Natural Resources
Subcommittee on Water
Relating to consideration of the effects of flood control and levee construction on nonpoint source pollution, wetlands, wildlife, and wildlife habitat.
- S.B. 698** by Truan Finance
Relating to the agricultural exemption from ad valorem taxation of certain property.
- S.B. 699** by Armbrister Health and Human Services
Relating to the regulation of a nursing pool and the establishment of standards for the service provided by a nursing pool to a licensed health care facility; providing penalties.
- S.B. 700** by Leedom State Affairs
Relating to the sale, exchange, grant, or other conveyance of state-owned land.
- S.B. 701** by Krier Jurisprudence
Relating to protective orders against family violence.
- S.B. 702** by Krier Criminal Justice
Relating to the use of property and proceeds derived from criminal asset forfeiture to pay child support arrearages and to the punishment of the offense of refusing to pay child support.
- S.B. 703** by Krier State Affairs
Relating to the civil liability of volunteers who provide services for state agencies.
- S.B. 704** by Krier Jurisprudence
Relating to a bond or security deposit in connection with child support payments.

- S.B. 705** by Krier Economic Development
Relating to the licensing of tobacco vendors; providing penalties.
- S.B. 706** by Krier Economic Development
Subcommittee on Insurance
Relating to coverage of chemical dependency under certain health insurance, prepaid health plans, and self-funded and self-insured health plans.
- S.B. 707** by Krier Jurisprudence
Relating to the establishment and payment of a collection fee on past due child support.
- S.B. 708** by Henderson Finance
Relating to the imposition of the motor vehicle sales tax on a motor vehicle sold using seller financing.
- S.B. 709** by Harris of Dallas Economic Development
Relating to the location at which a bank may operate an unmanned teller machine.
- S.B. 710** by Harris of Dallas Economic Development
Relating to branch banking.
- S.B. 711** by Sims Intergovernmental Relations
Relating to the hours of labor and vacation of members of fire and police departments in municipalities with a population of more than 10,000.
- S.B. 712** by Sims, Lyon Economic Development
Relating to the certification and licensing of real estate appraisers.
- S.B. 713** by Sims Finance
Relating to interest on delinquent ad valorem taxes.
- S.B. 714** by Sims Finance
Relating to ad valorem taxes delinquent for more than the limitation period.
- S.B. 715** by Sims Finance
Relating to the collection of local hotel occupancy taxes.
- S.B. 716** by Brooks Jurisprudence
Relating to the inspection of certain law enforcement records and files of a child.
- S.B. 717** by Lyon, Barrientos, Ellis, Criminal Justice
Johnson, Tejeda
Relating to the licensing and training of peace officers, jailers, and reserve law enforcement officers by the Commission on Law Enforcement Officer Standards and Education and to the terms of members of the board of directors of the Law Enforcement Management Institute.
- S.B. 718** by Johnson State Affairs
Relating to the staff and powers and duties of the Public Utility Commission of Texas and the Office of Public Utility Counsel.
- S.B. 719** by Johnson Health and Human Services
Relating to patient notification by physicians of certain information regarding breast implants.
- S.B. 720** by Johnson State Affairs
Relating to creation of the Universal Health Care Plan and the creation, powers, and duties of the Universal Health Care Board.
- S.B. 721** by Johnson State Affairs
Relating to expanding the governing bodies of certain state agencies, boards, and commissions.

- S.B. 722** by Johnson Health and Human Services
Relating to requiring the Department of Human Services to provide vitamins to pregnant women receiving Medicaid assistance.
- S.B. 723** by Johnson Criminal Justice
Relating to the punishment for certain offenses involving family violence and the enforcement of protective orders against family violence.
- S.B. 724** by Armbrister Natural Resources
Relating to the authority of navigation districts.
- S.B. 725** by Armbrister Natural Resources
Relating to the composition of the state well plugging fund and to certain fees and taxes in relation to the fund.
- S.B. 726** by Armbrister Natural Resources
Relating to regulation of fish farmers under the Parks and Wildlife Code.
- S.B. 727** by Armbrister Intergovernmental Relations
Relating to the authority of a county road district to refinance road district bonds by issuing alternative refunding bonds or certificates of assessment.
- S.B. 728** by Armbrister Intergovernmental Relations
Relating to the approval of spending by certain county commissioners.
- S.B. 729** by Dickson Economic Development
Relating to the consumer credit commissioner's publication and authorization of a market competitive rate ceiling.
- S.B. 730** by Barrientos Criminal Justice
Relating to the penalty for the offense of cruelty to animals.
- S.B. 731** by Barrientos Education
Relating to counselors and counseling programs in public schools.
- S.B. 732** by Zaffirini Education
Relating to the name of The Texas A&M University System and the names of institutions and agencies under the management and control of the board of regents of the system.
- S.B. 733** by Whitmire Economic Development
Relating to the application of The Texas Banking Code to trust companies and venue for trust company liquidations.
- S.B. 734** by Whitmire Economic Development
Relating to insider lease arrangements by a state bank.
- S.B. 743** by Montford Economic Development
Relating to the continuation and composition of the Texas Board of Architectural Examiners and the board's functions regarding architects and landscape architects; providing a penalty.

CAPITOL PHYSICIAN

Senator Armbrister was recognized and presented Dr. Dana G. Evans of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Evans and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 148

Senator Montford offered the following resolution:

S.R. 148, Declaring March 5, 1991, as "Cotton Day" at the Capitol.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Montford introduced representatives of the cotton industry seated in the gallery.

The Senate welcomed these guests.

(Senator Brown in Chair)

SENATE RESOLUTION 281

Senator Truan offered the following resolution:

WHEREAS, Members of the Texas Senate are pleased to welcome the Texas Association for Continuing Adult Education (TACAE) and the Texas Council of Adult Education Cooperative Directors to the Capitol on March 5, 1991, and express sincere gratitude to these outstanding organizations which are committed to helping all citizens obtain an education; and

WHEREAS, Census figures for 1980 revealed that 36 percent of the adult population of Texas had not completed high school; and

WHEREAS, In the United States, there are 26 million illiterate adults and at least 20 percent of the national work force needs upgrading of basic education skills; and

WHEREAS, House Bill 147, sponsored by Senator Carlos F. Truan and Senator Chet Brooks, established statutory provisions for Adult Basic Education in 1973; and

WHEREAS, Texans have been afforded the advantages of Adult Education for 25 years; and

WHEREAS, Adult Basic Education includes a fundamental education for out-of-school Texans beyond the compulsory school age; and

WHEREAS, Adult Education provides mathematics, reading, and writing for grade levels one through eight; General Education Development (GED) courses for grade levels nine through 12; and courses in literacy, citizenship, and English as a Second Language; and

WHEREAS, The benefits of these valuable programs are significant; it is estimated that each dollar invested in adult education returns nine dollars to our economy; and

WHEREAS, Encouragingly, many citizens are taking advantage of the opportunities afforded them; 218,747 adults enrolled in the Adult Education program; 34,369 GED certificates were issued in 1989-1990; 138,466 students enrolled at literacy level; 6,710 of adult education participants sought additional educational training; 2,102 immigrants became United States citizens; 9,698 adults gained employment; and 12,127 adults in correctional facilities enrolled in adult education classes; and

WHEREAS, The motto of the Texas Association for Continuing Adult Education, "It's never too late to learn," has been heard; the dedicated individuals working toward this goal have enhanced and will continue to enhance the dignity of many citizens of our beloved state; and

WHEREAS, The officers of the Texas Association for Continuing Adult Education are: President Linda Gibbs, President-Elect Dr. Judy G. Traylor, Vice-President Maggie Cunningham, Secretary Conie S. Reamey, Treasurer Bonnie Webb, and Past President Bob Quillin; and

WHEREAS, The Board of Directors is: Billy Watson, Mary Hanson, Valeria Cooke, Julia Roberts, Marilyn Flourmoy, Sharon Dial, and James R. Swann; and

WHEREAS, The members of the Texas Council for Adult Education Cooperative Directors are: President Maggie Cunningham, Vice-President Noe Calvillo, Secretary Gene Allphin, Treasurer Martha Sutherland, Parliamentarian Jim Morgan, Past President Billie N. Chambers, John Brooks, Monroe Neff, John Quinby, Nancy Wilson-Webb, and Billy Watson; and

WHEREAS, A special tribute is due to Texas Adult Education Cooperative members Billy Watson and Jim Morgan; these two educators have been tireless in their efforts to help people help themselves; their vision and outstanding leadership in adult education have made a difference in the lives of many; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby join with the citizens of Texas in commending and congratulating the Texas Association for Continuing Adult Education and the Texas Council for Adult Education Cooperative Directors for their exemplary work; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for the Texas Association for Continuing Adult Education, the Texas Council for Adult Education Cooperative Directors, and the State Board of Education as an expression of appreciation and great esteem from the Texas Senate with best wishes for continued success.

TRUAN
BROOKS

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Truan introduced the officers of the Texas Association for Continuing Adult Education seated in the gallery.

The Senate welcomed these guests.

GUESTS PRESENTED

Senator Johnson was recognized and introduced a delegation from the Grand Prairie Chamber of Commerce.

The Senate welcomed these guests.

(President in Chair)

SENATE RULE 11.11 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider S.B. 567 today.

SENATE CONCURRENT RESOLUTION 8 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

S.C.R. 8, Urging the United States Congress to appropriate adequate resources to finance properly Employment Security programs and services the states are

mandated to administer, remove the Federal Unemployment Trust Fund from calculation of the federal budget deficit, and amend federal law to exempt Unemployment Trust Funds from sequestration.

The resolution was read second time and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 128 ON SECOND READING**

Senator Leedom moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 128 be taken up for consideration at this time:

C.S.S.B. 128, Relating to investments by public retirement systems.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 128 as follows:

Amending SECTION 1. Section 802.202, Government Code, is amended by adding Subsection (e) to read as follows:

(e) PROHIBITED INVESTMENTS. After August 31, 1991, the retirement system may not acquire an investment in a bank or other financial institution that directly or through a subsidiary has a loan outstanding to the government of the Republic of South Africa or to an instrumentality of that government, or in any stock, bond, note or other evidence of obligation of a company doing business in or with the Republic of South Africa.

The amendment was read.

Senator Leedom moved to table the amendment.

The motion was lost by the following vote: Yeas 8, Nays 21.

Yeas: Armbrister, Bivins, Brown, Harris of Tarrant, Harris of Dallas, Krier, Leedom, Sims.

Nays: Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Henderson, Johnson, Lucio, Lyon, Moncrief, Montford, Ratliff, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent: Parker.

Senator Henderson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to C.S.S.B. 128 as follows:

Amending SECTION 1. Section 802.202, Government Code, is amended by adding Subsection (e) to read as follows:

(e) PROHIBITED INVESTMENTS. After August 31, 1991, the retirement system may not acquire an investment in a bank or other financial institution that directly or through a subsidiary has a loan outstanding to the government of the Republic of South Africa or to an instrumentality of that government.

The amendment to the amendment was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 128 as follows:

Amending SECTION 2. Section 802.206, Government Code, is amended by adding Subsection (d) to read as follows:

(d) In each report published under Subsection (a), the retirement system shall identify and state the date of acquisition and book value of, according to its most recent information, any investment it holds that would be prohibited under Section 802.206 were it not acquired before the date specified by that section.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 128 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 128 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

LEAVE OF ABSENCE

Senator Parker was granted leave of absence for the remainder of today on account of important business on motion of Senator Barrientos.

(Senator Brooks in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 398 ON SECOND READING**

Senator Tejada moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 398 be taken up for consideration at this time:

C.S.S.B. 398, Relating to the statute of limitations for purposes of prosecutions of certain sexual offenses committed against children.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Glasgow.

Absent-excused: Parker.

The bill was read second time.

Senator Tejada offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 398 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Art. 12.01. **FELONIES.** Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation:

(A) murder and manslaughter;

(B) indecenty with a child under Section 21.11, Penal

Code;

(C) sexual assault under Section 22.011(a)(2), Penal

Code; or

(D) aggravated sexual assault under Section

22.021(a)(1)(B), Penal Code;

(2) ten years from the date of the commission of the offense:

(A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;

(B) theft by a public servant of government property over which he exercises control in his official capacity;

(C) forgery or the uttering, using or passing of forged instruments;

~~[(D) sexual assault under Section 22.011(a)(2) of the Penal Code; indecenty with a child;]~~

(3) five years from the date of the commission of the offense:

(A) theft, burglary, robbery;

(B) arson;

(C) sexual assault, except as provided in Subsection (1)

~~[(2)(D)]~~ of this article;

(4) three years from the date of the commission of the offense: all other felonies.

SECTION 2. The change in law made by this Act does not apply to an offense if the prosecution of the offense became barred by limitation before the effective date of this Act. The prosecution of that offense remains barred as though this Act had not taken effect.

SECTION 3. This Act takes effect September 1, 1991.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Tejada and by unanimous consent, the amendment was withdrawn.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 398, Sec. 1, line 27 as follows:

In Subsection (2), amend "30 years" to read "10 years".

The amendment was read.

Senator Brown offered the following substitute amendment for Floor Amendment No. 2:

Floor Amendment No. 3

Amend C.S.S.B. 398 by changing the following:

Art. 12.01. FELONIES.

(2) 10 years from the date of the 18th birthday of the victim of the offense, if the offense was indecency with a child under Section 21.11, except for 21.11(a) (2), Penal Code, sexual assault under Section 22.011(a) (2), Penal Code, or aggravated sexual assault under Section 22.021(a) (1) (B), Penal Code;

The substitute amendment was read.

Question—Shall Floor Amendment No. 3, a substitute amendment for Floor Amendment No. 2, be adopted?

**THE STATE OF TEXAS STATEMENT OF CANVASS
FOR THE SECOND SPECIAL ELECTION FOR
STATE SENATE, DISTRICT 9
HELD ON FEBRUARY 23, 1991**

I, ANN W. RICHARDS, Governor of the State of Texas, in accordance with Section 67.010, Texas Election Code, HEREBY CERTIFY, that I, acting pursuant to Section 203.012, Texas Election Code, on the 28th day of February, 1991, did open, count, and tabulate the returns of the second special election for State Senator, District 9, held in Dallas, Ellis, Falls, Freestone, Henderson, Hill, Limestone, McLennan and Navarro Counties, Texas, to fill the unexpired term of the Honorable Chet Edwards. The aforesaid election was held on February 23, 1991, and the County Clerks/Elections Administrator from said Counties have reported the votes cast on that date to the Secretary of State.

I FURTHER CERTIFY that the following is a true and correct statement of the votes cast for the candidates whose names appear below, as they appeared on the official election returns made to, and now on file with, the Secretary of State.

Betty Denton - Democrat 25,283

David Sibley - Republican 28,757

IN TESTIMONY WHEREOF, I have hereunto affixed my signature and caused to be impressed hereon the Great Seal of the State of Texas, at Austin, on this the 28th day of February, 1991.

/s/Ann W. Richards
Governor of Texas

ATTEST:

/s/John Hannah, Jr.
Secretary of State

IN THE NAME AND BY THE AUTHORITY OF
THE STATE OF TEXAS

THIS IS TO CERTIFY, That at a special election held on
Saturday, February 23, 1991

DAVID SIBLEY

was duly elected

State Senator, District 9
Unexpired Term

IN TESTIMONY WHEREOF, I have hereunto signed my name and caused the
Seal of State to be affixed at the City of Austin,
this the 28th day of February, A.D. 1991.

/s/Ann W. Richards
Governor of Texas

ATTEST:

/s/John Hannah, Jr.
Secretary of State

AT EASE

The Presiding Officer at 12:29 p.m. announced the Senate would stand At Ease
pending the Oath of Office being administered to Senator-elect David Sibley.

IN LEGISLATIVE SESSION

The Presiding Officer at 12:58 p.m. called the Senate to order as In Legislative
Session.

MEMORIAL RESOLUTIONS

S.R. 280 - By Barrientos: In memory of respected educator and community
activist Mrs. Lucille Dotson Crawford of Austin.

S.R. 283 - By Glasgow: In memory of Strawn coach and school administrator
Joe Don Gibson.

S.R. 284 - By Glasgow: In memory of John C. Doss of Mineral Wells.

S.R. 285 - By Glasgow: In memory of Warren Eddy of Nemo.

S.R. 286 - By Glasgow: In memory of W. R. "Bill" Bryant of Joshua.

S.R. 287 - By Glasgow: In memory of Charles R. Freyschlag of Eastland.

S.R. 288 - By Glasgow: In memory of Texas radio pioneer Jimmie Earle
Fletcher of Cleburne.

S.R. 289 - By Glasgow: In memory of prominent retired business and civic
leader Louis G. Harelik of Comanche.

S.R. 290 - By Glasgow: In memory of Roy M. Cox of Weatherford.

S.R. 291 - By Glasgow: In memory of well-respected and distinguished
physician, Dr. Con D. Hamilton of Cleburne.

S.R. 292 - By Glasgow: In memory of Gainor J. Lindsey of Arlington.

S.R. 293 - By Glasgow: In memory of Charles Robert Chaney, Sr., of
Cleburne.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 81 - (Ellis): Honoring Gregory Hines for the gift of his time and talent.

H.C.R. 97 - (Ellis): Honoring Pastor Charles Lewis Jackson on his exemplary record of achievement.

H.C.R. 105 - (Montford): Honoring Lubbock County on the occasion of its 100th birthday.

S.R. 294 - By Lucio: Commending Trooper Richard Pinon and Trooper Alfred Nunez on their exceptional actions in the line of duty, which resulted in the saving of a human life.

S.R. 295 - By Lucio: Honoring Maria Evangelina H. Garza for the many contributions she has made to the betterment of her community and state.

S.R. 296 - By Dickson, Barrientos, Armbrister, Turner: Recognizing the Centex Chapter of the American Red Cross on the occasion of its 75th anniversary on March 15, 1991.

S.R. 299 - By Haley: Recognizing Consul General Carl Ernest Rufelds, Canada's senior diplomat in the southwest region of the United States.

S.R. 300 - By Haley: Recognizing John R. Hammill, Canadian Consul for the southwest region of the United States.

S.R. 301 - By Haley: Welcoming Canadian Ambassador Derek Burney to the State of Texas and the City of Austin.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:59 p.m. adjourned until 2:00 p.m. tomorrow.

In Memory**of****United States Army Specialist Andy Alaniz**

Senator Truan offered the following resolution:

(Senate Resolution 297)

WHEREAS, The City of Corpus Christi grievously mourns the tragic death of the first Corpus Christi resident to die in the Persian Gulf, Specialist Andy Alaniz, on March 1, 1991; and

WHEREAS, The son of Cecilio and Teresa Alaniz, this well-liked and brave young soldier was a 1989 graduate of Moody High School; where he is remembered for his warm personality and gentle humor; and

WHEREAS, He married his beloved wife, Cathy, two weeks before being deployed to the Middle East and together they joyfully anticipated the birth of their baby in May; and

WHEREAS, Imbued with a rich appreciation of family and friends, he enjoyed laughter, music, and baseball; and

WHEREAS, Specialist Andy Alaniz fulfilled a lifelong dream when he joined the United States Army, following a family tradition of military service that included his brother and uncle; and

WHEREAS, He served with courage and bravery as a member of the 24th Infantry; and

WHEREAS, A true patriot, this gallant soldier gave his life in the service of a country he dearly loved; and

WHEREAS, A man of great valor and integrity, Specialist Alaniz is a worthy Texas hero and brings honor to his family, state, and nation; and

WHEREAS, He was a loyal friend and exemplary member of the armed forces; his cherished memory will remain forever in the hearts and minds of all those who knew him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby pay tribute to the life of Specialist Andy Alaniz and extend heartfelt condolences to the members of his family: his wife, Cathy Alaniz; his parents, Teresa and Cecilio Alaniz; his sisters, Rose Gonzales, Norma Olivares, Sandy Alaniz, and Nora Alaniz; his brothers, Albert Alaniz and Alex Alaniz; and his three nephews and one niece; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Specialist Andy Alaniz.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was adopted by a rising vote of the Senate.